GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1541
ANSWERED ON:03.05.2016
Unlicensed Shops
Choudhary Shri Ram Tahal;Jadhav Shri Prataprao Ganpatrao

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Delhi High Court has taken cognizance of the unlicensed shops/ stalls selling food on the footpaths in the NCT of Delhi and if so, the details thereof;

(b) the provisions for stopping unlicensed shops/stalls from plying their trade;

(c) the role of tehbazari in this matter; And

(d) the reaction of the Government regarding non-compliance of tehbazari rules?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a): Yes, Madam. The Directorate of Local Bodies (the nodal department in respect of all the three Delhi Municipal Corporations) and New Delhi Municipal Council (NDMC) has informed that the Hon'ble High Court of Delhi has taken cognizance of the unlicensed shops/stalls selling food on footpath in NCT of Delhi. The High Court of Delhi has issued several directions regarding street vending and food safety, in the following cases:

...2/-

(i) Writ Petition No.6087/2012 titled as "Residents Welfare Association Vs. South Delhi Municipal Corporation & Ors."
(ii) PIL Writ Petition No.1139/2016 titled as "Sanser Pal Singh Vs. North Delhi Municipal Corporation & Ors.", (iii) Writ Petition (Civil) No.9284/2014; and
(iv) Writ Petition (Civil) No.4303/2014 in C.M. No.8645/2014.

(b): The Directorate of Local Bodies has informed that action against unlicensed shops is taken under Section 417 read with Section 461 of the Delhi Municipal Corporation Act, 1957 which provides for a fine up to Rs. 1000/-. As regards stalls or other unlicensed Tehbazari holders, action against them is taken by treating them as encroachers under Section 321/322 of the DMC Act, 1957.

The New Delhi Municipal Council (NDMC) has informed that the Health Enforcement Unit regularly conducts raids in the morning and evening shift and removes unauthorised hawkers/vendors selling food items on footpaths in NDMC area.

(c): "The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014" has been promulgated which deals with all

...3/-

such type of matters and all tehbazari operating within the territory of Delhi. As per the dictate of the Act, Town Vending Committee is yet to be formed and all the tehbazari operating within the territory of Delhi shall be regulated as per the provisions of this Act.

The New Delhi Municipal Council has informed that no such permission to carry out licensable trade is usually granted under tehbazari by the Enforcement Department.

(d): The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 has come into force and necessary action against non-compliance of the Act is taken against the Tehbazari holders.

The Enforcement Department of New Delhi Municipal Council (NDMC) takes action in this regard as and when any violation is noticed.

*****